IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 7818 of 2004**

Between:

Ikkurthi Sivaiah Venkateswarlu
R/o. Vengipuram (V) Prathipadu(M) Guntur District.

**..... PETITIONER**

AND

1 The Assistant Commissioner of Endowments Department
Guntur District Guntur.
2 The Person-in-Management Sri Agastheswara Swamy
Temple, Vangipuram(V) Prathipadu (M)
Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in making attempts to evict the petitioner from the land to an extent of Ac 6.25 cents in Survey D.No.232/1 belonging to Sri Agastheswara Swamy Temple of Vangipuram Village, Prathipadu Mandal, Guntur District without notice and without due process of law as bad, illegal, arbitrary, contrary to section 82 of A.P. Charitable and Hindu Religious Institutions and Endowments Act and Rules made under G.O.Ms.No.379 Revenue (Endts.I) Department Dated: 11-3-2003 and offends Article 14 of the Constitution of India.

**Counsel for the Petitioner: MR.A.V.V.S.N.MURTHY**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**The Court made the following:**

**HONOURABEL SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No. 7818 of 2004**

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**ORDER:**

The petitioner questions the action of the 2nd respondent-Person-in-Management, Sri Agastheswara Swamy Temple, Vangipuram, in issuing Notice No.A-5/03, dated 12-04-2003, informing the petitioner that the lease granted in favour of the petitioner, stood cancelled with immediate effect, by virtue of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No.30 of 1987) (for brevity 'the Act, 1987), and therefore, the petitioner is directed to handover the possession of the said land and pay the dues payable by him, failing which the petitioner will be evicted by invoking the provisions of Sections 84, 85 and 86 of the Act, 1987.

2. The learned counsel for the petitioner contended that the orders, issued by the 2nd respondent, are contrary to Section 82 of the Act, 1987. He further contended that as per the Government Orders, issued vide G.O.Ms.No.379, dated
11-03-2003, under Rule 3 of the Rules made there under, before evicting the lessees from the possession of the lands, an option should be given to them to determine whether they are the landless poor.

3. Admittedly, the petitioner is in possession of the six acres of land and therefore, in the absence of any specific proof that the petitioner is a landless poor, I am of the opinion that he is not entitled to any relief.

4. Accordingly, the writ petition is dismissed. There shall be no order as

to costs.

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April 15, 2005

KVR

To

1 The Assistant Commissioner of Endowments Department
Guntur District Guntur.
2 The Person-in-Management Sri Agastheswara Swamy
Temple, Vangipuram(V) Prathipadu (M)
Guntur District.

3 Two C.Cs to the GP for Endowments, High Court of AP Buildings,
High Court of AP, Hyderabad (O.U.T.)

4 Two C.D. Copies.